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UNCLAS OTTAWA 000123

SIPDIS

SENSITIVE

INTERIOR PASS TO FWS/KSTANSELL, WHITE HOUSE PASS TO OFFICE
OF HOMELAND SECURITY

E.O. 12958: N/A

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SUBJECT: CANADA: FIRST NATIONS NATIONAL CHIEF WANTS TO WORK
WITH U.S. TO IMPLEMENT SMART BORDER

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DISTRIBUTION.

1. (SBU) In a meeting with the Ambassador on December 17,
National Chief of the Assembly of First Nations Matthew Coon
Come

-- appealed specifically for U.S. collaboration with First
Nations law enforcement personnel to enhance border security
and help dispel negative perceptions that First Nations are a
weak link along the border;
-- proposed "sensitivity training" on cultural and religious
traditions of First Nations peoples for U.S. border
personnel; and
-- sought USG assistance in encouraging the Government of
Canada to reciprocate the border crossing rights of First
Nations people that are codified only in U.S. law.

Working with First Nations law enforcement personnel

2. (U) Ambassador Cellucci met with National Chief Matthew
Coon Come at the latter's request. A long-time activist for
aboriginal rights, Coon Come was elected to the top post of
Canada's largest native organization in 2000. Although the
Assembly of First Nations (AFN) does not represent all of
Canada's government-recognized aboriginal groups, the
organization has become an increasingly successful advocate
of aboriginal rights.

3. (SBU) The Ambassador welcomed Chief Coon Come's active
interest in and recommendations for enhancing operations
along the U.S.-Canada border, particularly in light of the
special concerns of the 60-odd First Nations communities that
live along the border. He noted the possibility of
incorporating First Nations law enforcement teams under the
new Integrated Border Enforcement Teams (IBETs) and invited
Coon Come to share the models for cooperation that were
developed at a conference on Native American border security
in January 2002 for further review. Chief Coon Come said he
hoped the Embassy and USG would support/promote working with
the First Nations on such an initiative, as the Canadians had
been less forthcoming on the matter.

Educating border authorities on religious customs and practice

4. (U) Alluding to difficulties involving First Nations'
people's transport of eagle feathers and related parts into
the U.S., Chief Coon Come said that there appeared to be a
general lack of understanding or appreciation for the
sacredness of eagle feathers and "sacred pouches," which
still could cause unpleasantness at the border on a case by
case basis. The Ambassador agreed that appropriate respect
for religious practices must be factored into a "smart"
border; it was important for customs and other officials to
understand and respect the significance of religious
artifacts. In this regard, the notion of developing a
training video was a worthwhile endeavor that we would share
with law enforcement concerns in Washington.

Canadian reciprocity of First Nations border crossing rights

5. (U) Chief Coon Come explained that Article III of the Jay
Treaty (1794), which addressed border crossing rights of
First Nations people, took into consideration their
longstanding seasonal migration patterns and specifically
provided for their exemption from duties on personal goods
and effects when crossing the U.S./Canada border. While
these provisions were codified into U.S. law even before the
War of 1812 (which abrogated the Treaty), they never have
been incorporated into the statutes of Canada. Thus, First
Nations people may transport effects for personal and
community use into the U.S. on a duty-free basis, but
Canadian authorities tend to impose a duty on similar effects
entering Canada.

6. (SBU) Ambassador Cellucci acknowledged that the difference
in U.S. and Canadian treatment of First Nations people at the
border was illogical given our ongoing efforts to harmonize
operations and observed that such a discrepancy could be
addressed under the Smart Border action plan. The Ambassador
said he would ensure these concerns were considered in

ongoing border talks with Canada.
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